

MAY 6 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

JAMES K. BOAZ,

Plaintiff-Appellant,

v.

DAIMLER CHRYSLER MOTORS
CORPORATION, a Delaware corporation,
successor in interest to Chrysler Corporation,

Defendant-Appellee.

No. 02-55206

D.C. No. CV-01-01645-RMB
(RBB)

MEMORANDUM *

Appeal from the United States District Court
for the Southern District of California
Rudi M. Brewster, District Judge, Presiding

Argued and Submitted February 12, 2003
Pasadena, California

Before: B. FLETCHER and HAWKINS, Circuit Judges, and BURY, District Judge. **

* This disposition is not appropriate for publication and may not be cited to or used by the courts of this circuit except as may be provided by Ninth Circuit Rule 36-3.

** The Honorable David C. Bury, District Judge for the District of Arizona, sitting by designation.

James K. Boaz appeals the dismissal of his malicious prosecution suit against the defendant, arguing that the district court incorrectly applied Michigan law, rather than California law. California law applies in light of California's interest in protecting its citizens, including Boaz, from malicious prosecution. See Engel v. CBS, Inc., 981 F.2d 1076, 1081 (9th Cir. 1993). Moreover, Boaz did not have minimum contacts with Michigan, did not avail himself of Michigan law, and successfully challenged Michigan as the proper venue for the defendant's underlying suit.

REVERSED AND REMANDED.